

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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Case No. 24 CV 6229

JUDITH O'HAVER, an adult individual :
Plaintiff, :

-against- :

DIAGEO NORTH AMERICA, a publicly traded:
international conglomerate dba **DIAGEO**:
GLOBAL SUPPLIES :

Defendant. :

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**COMPLAINT AND JURY
DEMAND**

Plaintiff, Judith O'Haver, through counsel, **WILLIAMS LLP**, for her Complaint against Defendant, Diageo North America, states as follows:

NATURE OF SUIT

1. Plaintiff, Judith O'Haver, sues Defendant to recover for personal injury damages she sustained while visiting Diageo's property in Ireland. while recovering from cancer, and seeking to see Ireland, where she traces her heritage, Ms. O'Haver and members of her family, took a trip to Ireland. Ms. O'Haver and her family visited the Guinness headquarters to understand how Guinness made its beer and other spirits. While there, Ms. O'Haver tripped and fell on a protruding interior pipe that was carelessly sticking out of the wall. Ms. O'Haver was severely injured: her left arm and elbow were broken, and she remains permanently disfigured.

THE PARTIES

2. Plaintiff, Judith O'Haver, is an individual and a resident of Georgia. At all times relevant to her complaint, Ms. Ms. O'Haver was business invitee to Diageo North America's property in Dublin, Ireland.
3. Defendant, Diageo North America dba Diageo Global Supplies ("Diageo"), is a publicly traded company with its principal place of business at Three World Trade Center 175 Greenwich Street FL. 41-42, New York, New York 10007. At all times relevant to this complaint, Diageo served as the parent company for all Diageo companies worldwide, including affiliates and subsidiaries based in Ireland.

JURISDICTION AND VENUE

4. This Court has diversity jurisdiction over this matter as the parties are citizens of different states. Diageo is a citizen of New York and Ms. O'Haver is a citizen of Georgia. The amount in Controversy exceeds \$75,000.00, exclusive of interests and costs.
5. Venue is proper in the Southern District of New York because the Diageo is based in this district and is subject to personal jurisdiction in this district.

FACTS

6. Ms. O'Haver is 75 years old and a recent cancer survivor.
7. In September 2023, while traveling to Ireland with members of her family, Ms. O'Haver and her family visited the Guinness headquarters in Dublin, Ireland.
8. The Guinness headquarters in Ireland is a place that Diageo encourages its customers and the larger public to visit to learn about how Guinness was invented and how it is made.

9. At all times relevant to this suit, Ms. O'Haver was a business invitee to the Guinness headquarters in Dublin, Ireland.

10. While visiting Guinness Irish headquarters in Dublin, Ireland, Mr. O'Haver tripped and fell on a pipe sticking out of the wall.

11. No signs alerted Ms. O'Haver and others to the pipe sticking out of the interior wall.

12. Diageo did not block off the area where the pipe was sticking out of the interior wall.

13. Diageo did not otherwise alert its business invitees of the hazards posed by a pipe sticking out of the wall.

14. Ms. O'Haver had no reason to suspect that a pipe would be sticking out of the interior of the walls to obstruct her passage.

15. Because of these and other failures, Ms. O'Haver tripped and fell.

16. Ms. O'Haver broke her left arm, and her doctors have determined that she either can no longer use that arm or that she cannot use that arm as she previously could.

17. The injury Ms. O'Haver suffered has had dire consequences for her health.

18. Because of her cancer treatment, Ms. O'Haver had the lymph nodes removed from her right arm, making her left arm unusable.

19. The injury has left Ms. O'Haver in a position where she cannot drive or otherwise care for herself.

20. She required assistance to perform the functions she uses to perform before her injury.

21. Ms. O'Haver cannot easily shower, brush her teeth, or perform similar acts.

22. Ms. O'Haver now requires assistance to drive.

23. Diageo along with its agents, employees, subsidiaries, affiliates, had prior constructive and actual knowledge of the pipe sticking out of the interior wall but no party tried to remedy this dangerous and hazardous condition.

24. Because of Diageo's negligence, Ms. O'Haver was severely and permanently injured, and she still is sick and to require care that she did not require before her injury.

25. Because of her injury, Ms. O'Haver has sustained damages that is approaching \$1,000,000.00 not including attorney's fees, costs, and other medical expenses.

AS FOR A FIRST CAUSE OF ACTION

(Negligence Premises Liability)

26. Ms. O'Haver incorporates the preceding allegations as if those allegations were set forth in this paragraph.

27. Diageo together with its affiliates, assigns, subsidiaries, parent companies et al., owned, operated, maintained, and are otherwise responsible for the Guinness headquarters in Ireland.

28. In September 2023, Ms. O'Haver was lawfully on the premises of the Guinness headquarters in Dublin, Ireland as a business invitee and paid certain fees to enter the premises to tour the premises.

29. Diageo together with its affiliates, assigns, subsidiaries, parent companies et al. had actual or constructive knowledge of the dangerous conditions on the premises. In fact, other individuals had reported to Diageo that others had been injured on the premises because of the interior pipe that sticks out of the interior wall.

30. Despite knowing of the dangerous conditions, Diageo took no action and permitted the

pipe to become dangerous and hazardous.

31. Ms. O'Haver was injured as a direct result of Diageo failure to take measures that prevented the protruding pipe from becoming a dangerous and hazardous condition despite having ample warning.

32. Ms. O'Haver is entitled to damages in an amount to be proven at trial.

AS A SECOND CAUSE OF ACTION

(Failure to Supervise)

33. Ms. O'Haver incorporates the preceding allegations as if those allegations were set forth in this paragraph.

34. At all times relevant to this suit, Diageo has a duty to hire, furnish, provide competent, qualified, skilled, experienced, trained, and diligent persons to look after its headquarters in Ireland.

35. At all times relevant to this complaint, Diageo failed to hire, furnish, provide competent, qualified, skilled, experienced, trained, and diligent persons to look after its headquarters in Ireland.

36. Ms. O'Haver's injury resulted from Diageo's inability to perform its duties.

37. Ms. O'Haver seeks damages in an amount to be proven at trial.

WHEREFORE, plaintiff demands judgment against each defendant over \$ 1,000,000, together with pre and post default interest, late charges, attorney's fees, the costs of this proceeding and such other relief as the Court deems just and proper.

Dated: New York, New York
16 August 2024

Respectfully submitted,

WILLIAMS LLP

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